REMARKS / DISCUSSION OF ISSUES

The present amendment is submitted in response to the Office Action mailed October 7, 2008. In view of the remarks to follow, reconsideration and allowance of this application are respectfully requested.

Status of the Claims

Claims 1-4 and 6-10 remain in this application. Claims 1 and 7 have been amended. Claim 5 has been cancelled without prejudice. Claim 10 has been added.

Rejections under 112, Second Paragraph

In the Office Action, claims 1-9 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as his invention. The Office asserts that the term "relative small" is not defined by the claims and the specification does not provide a standard for ascertaining the requisite degree to enable one of ordinary skill to be reasonably apprised of the scope of the invention. Claims 1-9 have been amended in a manner which is believed to overcome the rejection.

Rejections under 35 U.S.C. §102(b)

In the Office Action, Claims 1-9 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Application No. 2002/0176338 ("Ushiyama"). Applicants respectfully traverse the rejection.

A. Claims 1-4, 6 and 8

The cited portions of Ushiyama do not anticipate claim 1 because the cited portions of Ushiyama do not teach every element of claim 1. For example, the cited portions of Ushiyama do not disclose or suggest at least the step of, "*obtaining a function that maps writing power level to speed based on the derived media variation power factor and the speed power factor*", as in claim 1. To create a media variation power factor, Nx1 OPC information is used from the inside and the outside of the disc radius. To create the speed power factor,

Nx1, Nx2, Nxm information is used from the outside radius. Using the two power factors, more accurate control of the required laser power for all radii can be achieved.

In contrast to claim 1, Ushiyama discloses a method for recording information onto a phase-change disc while varying a linear velocity comprising the steps of: performing test writing for inner and outer periphery zones at substantially equal linear velocities **to obtain a recording parameter suitable for the inner periphery of the disc** and **a recording parameter suitable for the outer periphery of the disc**. The method further comprises **obtaining a recording parameter correction coefficient** at a position with respect to the disc radius based on the recording parameter suitable for the inner periphery of the disc and **obtaining a recording parameter correction coefficient** at a position with respect to the disc radius based on the recording parameter suitable for the outer periphery of the disc. The method further comprises **correcting a recording parameter** corresponding to a linear velocity at an area onto which the information is to be recorded with the recording parameter coefficient, thus controlling the light source with the corrected recording parameter. *See* Ushiyama, par. [0018]. Ushiyama teaches that the recording parameter corresponding to the linear velocity at the area onto which the information is to be recorded is obtained **based on the recording parameters suitable for each of the respective linear velocities obtained by performing the test writing for the outer periphery of the disc at different linear velocities.** *See* Ushiyama, par. [0019]. In the Office Action, the Examiner refers the Applicants to Fig. 11 for allegedly teaching utilizing the innermost and outermost radii of the optical storage device. See Office Action, page 3, "as per claim 3". However, Ushiyama teaches that the inner periphery of the disk is only utilized in the case where **a property difference is detected**, such as a recording sensitivity difference which may occur between the inner and outer peripheries of the disc. *See* Ushiyama, par. [0025]. In other words, the utilizing the innermost radii is conditioned on first determining whether or not a property difference is detected.

It is respectfully submitted that obtaining recording parameters suitable for the inner and outer periphery of a disc and obtaining recording parameter correction coefficients corresponding to a linear velocity at an area onto which the information is to be recorded with the recording parameter coefficient, as taught in Ushiyama, is different from determining a

media variation power factor and determining a speed power factor to obtain a function that maps writing power level to speed based on the derived media variation power factor and the speed power factor, as in claim 1.

Accordingly, Ushiyama does not disclose "*obtaining a function that maps writing power level to speed based on the derived media variation power factor and the speed power factor*", as in claim 1. Therefore, claim 1 is allowable.

Claims 2-4, 6 and 8 depend from claim I, which Applicants have shown to be allowable. Hence the cited portions of Ushiyama fail to disclose at least one element of each of claims 2-4, 6 and 8. Accordingly, claims 2-4, 6 and 8 are also allowable, at least by virtue of their dependence from claim 1.

B. Claims 7 and 9

Independent Claim 7 recites similar subject matter as Independent Claim 1 and therefore contain the limitations of Claim 1. Hence, for at least the same reasons given for Claim 1, Claim 7 is believed to recite statutory subject matter under 35 USC 102(b).

Claim 9 depends from claim 1, which Applicants have shown to be allowable. Hence the cited portions of Ushiyama fail to disclose at least one element of claim 9. Accordingly, claim 9 is also allowable, at least by virtue of their dependence from claim 7.

New Claim

New claim 10 particularizes the function recited in claim 1 by reciting that the function is a linear regression function. Support may be found at page 6 of the specification.

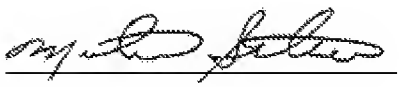
Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1-4 and 6-10 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels

that an interview would be helpful, the Examiner is requested to call Mike Belk, Esq., Intellectual Property Counsel, Philips Electronics North America, at 914-945-6000.

Respectfully submitted,



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